

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ALVIN ABRAMS	§ § §	
Plaintiff		
 V.	§ § §	CIVIL ACTION NO: 5:22-cv-417
 QUIKTRIP CORPORATION	§ §	
Defendant		

**DEFENDANT QUIKTRIP CORPORATION'S
NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1446(a) DIVERSITY**

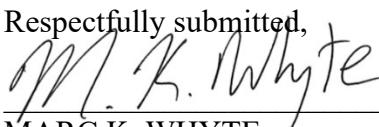
TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

PLEASE TAKE NOTICE that Defendant, QUIKTRIP CORPORATION (“QT”), HEREBY FILES ITS NOTICE OF REMOVAL, and Removes this matter to this Court the state court action described below:

1. On March 22, 2022, an action was commenced in the 73rd Judicial District Court of the State of Texas in and for Bexar County, Texas, entitled ALVIN ABRAMS vs. QUIKTRIP CORPORATION (“QT”), as Cause Number 2022-CI-05276. A copy of Plaintiff’s Original Petition is attached hereto as Exhibit “A”.
2. Defendant was served with suit on March 31, 2022.
3. Defendant filed an Original Answer on April 22, 2022, a copy of which is attached hereto as Exhibit “B”.
4. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332 and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1332 (a) in that it is a civil action between citizens of states other than Texas and citizens or subjects of a foreign state, and the matter in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs. Plaintiff’s claims are based on alleged injuries suffered by ALVIN ABRAMS, who fell on Defendant’s premises.
5. Defendant is informed and believes that Plaintiff is a resident of the State of Texas based on statements contained in Plaintiff’s Original Petition. The incident made the basis of this lawsuit occurred in Bexar County, Texas. Defendant, Quiktrip Corporation, was, at the time of the filing of this action, and still is, a citizen of Oklahoma, being incorporated under the laws of the State of Oklahoma. Defendant

is a foreign corporation and affirmatively asserts that it is incorporated in Tulsa, Oklahoma. A corporation is deemed to be a citizen of any state which it has been incorporated and of the state which it has its principal place of business. Defendant is a citizen of Oklahoma because it was and is a corporation formed under the laws of Oklahoma with its principal place of business in Tulsa, Oklahoma. Defendant Quiktrip has never been a resident of, incorporated in, or had its principal place of business in the State of Texas.

6. Removal is proper because there is complete diversity between the parties under 28 U.S.C. §1332(a). Further, for the requirements of Federal jurisdiction to be satisfied, the amount in controversy must exceed \$75,000.00. Plaintiff's initial pleading seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00. Plaintiff seeks damages for past and future medical expenses, lost wages and lost wage earning capacity, physical impairment, physical pain and mental anguish and disfigurement. The amount in controversy requirement has been satisfied in that the matter in controversy exceeds the sum or value of \$75,000.00.
7. Defendant is removing this case within the 30 day period stipulated by the rules.
8. All pleadings, process, orders, and all other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a).
9. Venue is proper in this district under 28 U.S.C. §1441(a) because this district and division embrace the place in which the removed action has been pending.
10. Defendant will promptly file a copy of this notice of removal with the clerk of the state court in which the action is pending.
11. In accordance with 28 U.S.C. §1441(a), this matter is being removed to U.S. District Court for the Western District of Texas, San Antonio Division because this court is the court for the district and division embracing the place where such action is pending, i.e., Bexar County, Texas.

Respectfully submitted,
By: _____

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent in accordance with the Texas Rules of Civil Procedure this 29th day of April 2022, properly addressed as follows:

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By: /s/ Marc K. Whyte

MARC K. WHYTE